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Attorneys for Plaintiff,  
MIKAEL TJUATJA.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MIKAEL TJUATJA,

Plaintiff,

v.

CHI MANAGEMENT GROUP, L.P. SHORT  
AND LONG TERM DISABILITY PLAN,

Defendant.

Case No. 08-0896-EMC

**JOINT CASE MANAGEMENT  
STATEMENT**

Original Complaint Filed February 11, 2008

Pursuant to the Court's February 11, 2008 Order, Defendant CHI Management Group, L.P., mis-named as CHI Management Group, L.P. Short and Long Term Disability Plan, ("CHI" or "Defendant") and Mikael Tjuatja ("Tjuatja" or "Plaintiff") (collectively, the "Parties") respectfully submit the following Joint Case Management Statement:

**1. Jurisdiction and Service**

This Court has subject matter jurisdiction over Plaintiff's claim because the Complaint asserts a single claim for relief arising under federal law, specifically the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* ("ERISA").

At this time, there are no issues regarding personal jurisdiction or venue, and no additional parties remain to be served.

1   **2.    Facts**

2           Plaintiff is a former employee of CROSSMARK, Inc. As a CROSSMARK employee, On or  
3 about February 1, 2007, Plaintiff was eligible to be, and became, a participant in the CROSSMARK  
4 Group Self-Insured Short-Term Disability Plan (the "STD Plan") and in the CHI Management  
5 Group, L.P. Long-Term Disability Plan (the "LTD Plan"). Plaintiff claims that he became disabled  
6 on or about February 28, 2007. Thereafter, Plaintiff submitted a claim for benefits under the STD  
7 Plan. On or about March 28, 2007, the Administrator of Claims for the STD Plan informed Plaintiff  
8 that it had denied his application for benefits under the STD Plan. Plaintiff filed an appeal of his  
9 application for benefits under the STD Plan, and in or about January 2008, the Administrator of  
10 Claims denied his appeal.

11           Plaintiff contends that the denial of his application for benefits under the STD Plan was  
12 improper.

13           Defendant maintains, however, that the denial of Plaintiff's application for benefits under  
14 the STD Plan was appropriate and fully complied with the terms of the Plan.

15   **3.    Legal Issues**

16           Plaintiff contends that, under ERISA § 502(a)(1)(B), he entitled to damages as a result of the  
17 denial of his benefits under the STD Plan.

18           Defendant maintains that it did not engage in any conduct in violation of ERISA and  
19 disputes that Plaintiff is entitled to relief under ERISA.

20           The Parties agree that there might be a legal issue concerning the standard of review.

21   **4.    Motions**

22           At this time, there are no pending or anticipated motions.

23   **5.    Amendment of Pleadings**

24           At this time, the Parties do not anticipate the need to amend the pleadings. The Parties  
25 propose a deadline of August 1, 2008 for amending the pleadings.

26   **6.    Evidence Preservation**

27           The Parties have taken the necessary steps to preserve evidence related to the issues that are  
28 reasonably evident in this action.

1   **7.    Disclosures**

2           The Parties have agreed to exchange initial disclosures, pursuant to Fed. R. Civ. P. 26, no  
3 later than May 30, 2008.

4   **8.    Discovery**

5           The Parties do not anticipate discovery at this time, however, pursuant to *Abatie*, the Parties  
6 anticipate that there may be some limited discovery if the case is not resolved through ADR.

7   **9.    Class Actions**

8           Not applicable.

9   **10.   Related Cases**

10          There are no related cases or proceedings pending before another judge of this court, or  
11 before another court or administrative body.

12   **11.   Relief**

13          Plaintiff seeks a judgment and order that Defendant pay the benefits due Plaintiff now and in  
14 the future and interest thereon and that Defendant pay Plaintiff his attorneys' fees and other costs.

15   **12.   Settlement and ADR**

16          As set forth in the Parties' Stipulation and Proposed Order Selecting ADR Process, the  
17 Parties have agreed to mediation by the presumptive deadline (*i.e.*, ninety days from the date of the  
18 order referring the case to ADR).

19   **13.   Consent to Magistrate Judge for All Purposes**

20          The Parties respectfully do not consent to have a magistrate judge conduct all further  
21 proceedings including trial and entry of judgment.

22   **14.   Other References**

23          The Parties do not believe that this case is suitable for binding arbitration, a special master,  
24 or the Judicial Panel on Multidistrict Litigation.

25   **15.   Narrowing of Issues**

26          At this time, the Parties have not identified any issues that can be narrowed by agreement or  
27 by motions, and do not request to bifurcate issues, claims, or defenses.

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1 **16. Expedited Schedule**

2 The Parties do not believe that this case is appropriate for streamlined procedures.

3 **17. Scheduling**

4 The Parties request a deadline for the submission of summary judgment motions in early  
5 2009.

6 **18. Trial**

7 The Parties anticipate that this matter will be resolved through dispositive motion briefing.

8 **19. Disclosure of Non-party Interested Entities or Persons**

9 Defendant is filing its Certification of Interested Entities or Persons today. At this time, the  
10 Parties are not aware of any other persons, firms, partnerships, corporations (including parent  
11 corporations) or other entities have either (i) a financial interest in the subject matter in controversy  
12 or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected  
13 by the outcome of the proceeding.

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20. **Other Matters**

At this time, the Parties are not aware of any additional matters that may facilitate the just, speedy, and inexpensive disposition of this matter.

Dated: May 14, 2008

By: s/ Nancy L. Stagg

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Dated: May 14, 2008

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Attorneys for Plaintiff,  
Mikael Tijuatja.

**PROOF OF SERVICE**

I am employed in the County of San Diego, my business address is Fish & Richardson P.C., 12390 El Camino Real, San Diego, California 92130. I am over the age of 18 and not a party to the foregoing action.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for personal delivery, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight service.

On May 14, 2008, I served a copy of the following document(s):

**JOINT CASE MANAGEMENT STATEMENT**

on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, and addressed as follows:

Richard A. Stavin, Esq.

Attorney for Plaintiff

Stain & Associates

21031 Ventura Boulevard, 12th Floor

Woodland Hills, California 91364

Phone: (818) 348-8464

Facsimile: (818) 348-8465

☐ **MAIL:** Such correspondence was deposited, postage fully paid, with the United States Postal Service on the same day in the ordinary course of business.

☐ **FACSIMILE:** Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.

☐ **FEDERAL EXPRESS:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by Federal Express.

☒ **CM/ECF:** Such document(s) were sent via electronic mail through the Case Management/Electronic Case File System with the U.S. District Court for the Northern District of California.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 14, 2008 at San Diego, California.

  
Janet Langrehr